

REMARKS

This amendment is submitted along with a Request for Continued Examination for the present invention. Claims in their pending forms are also submitted herein.

Claims 10-31 were rejected in the Final Office Action mailed January 27, 2003, based on 35 U.S.C. 102(e), citing U.S. Patent 6,446,142 to Shima et al. (referred to herein as "Shima.") Despite Applicant's detailed amendment explaining the differences between Shima and the present invention, in an advisory action mailed April 8, 2003, the Examiner responded, rejecting Applicant's arguments with the following single-sentence explanation:

Continuation of 5. does NOT place the application in condition for allowance because: Shima at least teaches detecting a link driver [enumerating or reconfiguring an added/removed device which has a link layer resided in the IEEE 1394-1995 device].

Claims 10 and 21 were rejected in the final Office action mailed January 27, 2003 under 35 USC 102(e):

A person shall be entitled to a patent unless—

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Again, before analyzing Shima, it is useful to review claim 10 of the present application.

Claim 10 reads:

A method for providing a transaction layer for a module having at least one node connected to a serial bus that configures a link device for each of said at least one nodes comprising:

detecting a link driver;
receiving capabilities of said link driver;
generating a link driver configuration for said link driver from said capabilities of said driver; and
loading said link driver configuration into said link driver.

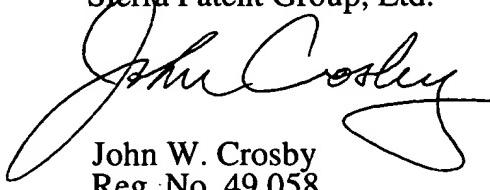
Independent claim 10 does not simply claim detecting a link driver. There are other limitations in this independent claim, and similarly, in independent claim 21 that distinguish the present invention from Shima. However, the Examiner failed to address these limitations, as required to support a 35 USC 102(e) rejection, and gave no indication of where in Shima there is language to support the argument made in the Advisory Action of April 8, 2003. A search string using the language cited by the Examiner yielded no result when run against the USPTO's online copy of Shima.

Applicant respectfully submits that claims as amended are in condition for allowance and that the rejections in the Office Action dated 1/27/03 have been overcome through a detailed examination of the cited references. Applicant respectfully requests the Examiner to place this application in condition for allowance as soon as possible. If the Examiner feels that there are any remaining issues that may be resolved by telephone, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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